



ATTORNEYS AT LAW

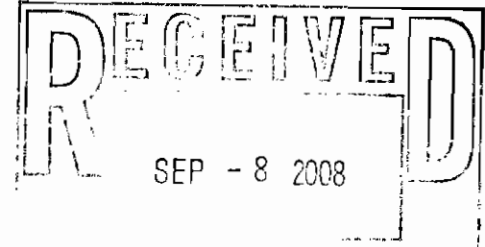
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ENCLOSED ORDER
Appellate journal.

September 8, 2008

BY FAX (212) 805-7928

The Honorable Michael H. Dolinger
United States Magistrate Judge
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1670
New York, NY 10007



Re: Baraliu v. Vinya Capital, L.P. and Michael deSa
SDNY No. 07-cv-04626 (VM)

Dear Judge Dolinger:

My firm represents defendants Vinya Capital, L.P. ("Vinya") and Michael deSa ("deSa") in the above-referenced action. Alfred J. Smith, Esq. is the attorney for plaintiff Bleron Baraliu.

In April 2008, defendants moved for judgment on the pleadings and requested a stay of discovery pending the disposition of the motion. The Court declined to stay discovery at that time and directed the parties to commence discovery. Since then, the motion was fully submitted and the parties have responded to each side's discovery requests and have produced documents. The Case Management Order calls for depositions to be completed by the end of September.

At this stage, with the motion for judgment on the pleadings still pending and after reviewing the paper discovery already produced, the parties believe that it would be appropriate to postpone depositions in this case until the pending motion is decided, and respectfully request that the Court grant such relief.

Respectfully yours,

Morlan Ty Rogers

Morlan Ty Rogers

Alfred J. Smith (by permission MTR)

Alfred J. Smith, Jr. Esq.

cc: Alfred J. Smith, Jr. Esq.
(by fax 203-348-8092)